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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,)
09 Plaintiff,) CASE NO. CR07-222-JCC
10 v.)
11 PATRICK J. SMITH,) SUMMARY REPORT OF U.S.
12 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 A status hearing on supervised release revocation in this case was scheduled before me
15 on December 12, 2011. The United States was represented by AUSA Lisca Borichewski and
16 the defendant by David Gehrke. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about February 27, 2009 by the Honorable John C.
18 Coughenour on a charge of Possession of Methamphetamine with Intent to Distribute, and
19 sentenced to 60 months custody, five years supervised release.

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant participate in a drug dependency program, abstain from alcohol,
22 and submit to search. (Dkt. 44.)

01 In an application dated (Dkt. 47, 48), U.S. Probation Officer Brian K. Facklam alleged
02 the following violations of the conditions of supervised release:

03 1. Using marijuana on or about October 18, 2011, in violation of standard
04 condition 7.

05 2. Using amphetamine on or about October 18, 2011, in violation of standard
06 condition 7.

07 3. Failing to appear from drug testing on November 4, 7, 8, 9, and 10, 2011, in
08 violation of the special condition that he submit to drug testing as directed.

09 4. Failing to be truthful in all inquiries by the probation officer in violation of
10 standard condition 3.

11 5. Failing to follow the instructions of the probation officer in violation of standard
12 condition 3.

13 Defendant was advised in full as to those charges and as to his constitutional rights.

14 Defendant admitted the violations and waived any evidentiary hearing as to whether
15 they occurred. (Dkt. 52.)

16 I therefore recommend the Court find defendant violated his supervised release as
17 alleged in violations 1-5, and that the Court conduct a hearing limited to the issue of disposition.
18 The next hearing will be set before Judge Coughenour.

19 Pending a final determination by the Court, defendant has been released on supervision.

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01 DATED this 12th day of December , 2011.

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04 Mary Alice Theiler
05 United States Magistrate Judge

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07 cc: District Judge: Honorable John C. Coughenour
08 AUSA: Lisca Borichewski
09 Defendant's attorney: David Gehrke
10 Probation officer: Brian K. Facklam
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